IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE EIGHTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 304 of 1999

Between:

Jayanagar Welfare Association, (Regd.No.1460/88), Rep By Its President S.Sudhakar Reddy. S/o. S.Keshav Reddy, R/o.Jayanagar, H.No.16-1-28/52, Saidabad, Hyderabad.

..... PETITIONER

AND

1 The District Collector,
Nampally, Hyderabad.
2 The Revenue Divisional Officer,
Nampally, Hyderabad Division. Hyderabad.
3 The Mandal Revenue Officer,
Saidabad Mandal, Malakpet, Hyderabad.
4 The Commissioner, Land Reforms and Urban Land Ceilings,
Station Road, Nampally, Hyderabad.
5 The District Manager, A.P. U.D. Housing Cell,
Nampally, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in converting the public park situated in Jayanagar adjacent to H.No.16-1-27/C-19 corresponding to T.S.No.10/4, ward No.172, Block D in Survey No.3, 26 to 29 and 31 of Saidabad Village, Siadabad Mandal, Hyderabad into house plots and proposed for house constructions as bad, illegal and contrary to A.P.Town Planning Act and Rules thereunder against public

interest offending Article 21 of Constitution of India and consequently direct the respondents to drop all further proceedings with reference to letter No.A/987/98 of M.R.O., dated 26/03/1998 by converting the Park into house plots and proposed for construction of houses.

Counsel for the Petitioner:MR.J.VENUGOPALA RAO

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

Jayanagar Welfare Association filed this writ petition alleging that the area reserved for public park was being usurped by the respondents for being divided as house plots and was proposed for house construction. Accordingly, direction was sought to the respondents to drop all further proceedings for converting the park into house sites and plots. Interim stay as prayed for was granted.

Smt.R.Manjula, Mandal Revenue Officer, Saidabad Mandal filed affidavit in reply on 13th August, 1999 stating that one S.Pratap Reddy had filed declaration under Section 6(1) of the Urban Land (Ceiling and Regulation) Act, 1976 with respect to the land held by him in Survey Nos.26 to 29 and 31 situated at Saidabad village before the Special Officer and Competent Authority. Land to the extent of 2561.22 sq. metres in Survey Nos.26 to 29 and 31 was declared surplus by the Special Officer and Competent Authority on 13th December, 1994. Same was handedover to the Mandal Revenue Officer, Charminar on 31st August, 1995 bearing houses and vacant site and therefore, it was proposed for rehabilitating the slum dwellers of H.M.W.S.S.B Krishna Water Supply Project. As a matter of fact, the Mandal Revenue Officer did not advert at all to the order of the Commissioner of Land Reforms and Urban Land Ceilings passed on 3rd August, 1996 allowing appeal Nos.139/95 and 54 of 1996 filed under Section 33 of the Urban Land (Ceiling and Regulation) Act 1976 against the order of the Special Officer and Competent Authority dated 14-12-1993 wherein the permission granted to S.Raj Reddy and four others was set aside and the appeals were allowed. Cancellation of permission granted under sub-Section (2) of Section 21 was set aside and the notices under Section 10(1)(3) and (5) were also set aside and the cases were remanded for fresh determination according to law.

In that view of the matter, delivery of possession if any to the Mandal Revenue Officer pursuant to the order that stood set aside is non-est and the Mandal Revenue Officer has no authority thereafter to utilize that land for house site pattas. For that reason, the action of respondents as impugned in the writ petition is bad in law. Consequently, writ petition is allowed with direction to the respondents not to take any steps for converting the land in question into house sites except in accordance with law.

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DEVINDER GUPTA, CJ

8-11-2004

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C.V.RAMULU, J

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To

1 The District Collector,
Nampally, Hyderabad.
2 The Revenue Divisional Officer,
Nampally, Hyderabad Division. Hyderabad.
3 The Mandal Revenue Officer,
Saidabad Mandal, Malakpet, Hyderabad.
4 The Commissioner, Land Reforms and Urban Land Ceilings,
Station Road, Nampally, Hyderabad.
5 The District Manager, A.P. U.D. Housing Cell,
Nampally, Hyderabad.

6 2 CCs to the G.P. for Revenue, High Court Buildings, Hyd (OUT)

7 2 CD copies.